

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
JULY 21, 2008

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, July 21, 2008, in the Council Chambers of the City of Columbia, Missouri. The roll was taken with the following results: Council Members STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE and HINDMAN were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular meeting of July 7, 2008 were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mayor Hindman noted R164-08 would be moved from the Consent Agenda to the New Business and R165-08 would be pulled from the agenda as requested by staff. The agenda, to include moving R164-05 to New Business, removing R165-08 from the agenda and the Consent Agenda, were approved unanimously by voice vote on a motion by Mr. Wade and a second by Mr. Skala.

SPECIAL ITEMS

U. S. Conference of Mayors Climate Protection Award.

Mayor Hindman asked Richard Wieman, Mike Symonds, Dan Darnell, Jay Hasheider, Tina Worley and Renee Graham to come forward as they were all involved in the City receiving the U.S. Conference of Mayors Climate Protection Award. He explained the U.S. Conference of Mayors was an organization to which the City of Columbia belonged and was made up of mayors of cities of 35,000 or more in population. It was a prestigious organization and was a leader with regard to climate protection. This was the first year for the Climate Protection Award and 60 applications had been submitted. Columbia received the award for outstanding achievement in the energy source category for cities under 100,000, which was quite an honor. He noted the receipt of the award was due to the methane plant that used landfill gas to create enough energy to power about 1,500 homes. He commented that they could first look to the voters for their leadership with regard to this because it was included in the ballot issue passed in 2006. The estimated cost was \$3 million, but it was completed at \$2.85 million. He understood biogas energy was expected to supply 2.5 percent of the community's power needs in the future. While this was awarded to him when attending the U.S. Conference of Mayors meeting in Florida, he had accepted it on behalf of the City of Columbia and its great staff for accomplishing this goal. He believed this was an original, creative idea and something they could be proud of.

Mr. Wieman stated one of the unique parts of bringing this project to fruition was the cooperation of two departments, the Water and Light Department and the Public Works

Department. All of the waste that was deposited in the landfill generated methane gas, which was a renewable energy source, and this project took renewable energy from the landfill to generate electricity for homes. He felt it was a win/win project. Mayor Hindman agreed and stated he believed one of the great things about this was that it was a true recycling situation because the trash citizens left on the curb came back to them in the form of electricity. He thanked everyone for their participation.

ThreeSixty Architecture - LEED Plaque/Wabash Refurbishment Project.

John Gaar of ThreeSixty Architecture stated it was his honor to present the City this recognition for the Wabash Station and noted they were one of a few that had brought the project to fruition. He believed this was about doing the right thing and felt this community was on top of doing those things. He explained they had taken the Wabash Station and reused it, which was a big part of sustainability. He noted the project was not easy. It was a historic building on the National Historic Register, so their goal was to maintain the grandeur of the building and to not do something to the building that would take away from it. From a technical standpoint, they wanted to ensure the building would last for another 100 years while reusing it in the transportation and bus terminal system. There were also environmental issues. The facility was built in a time when lead content in paint was readily used, so it had to be abated of its lead content. The site needed some remediation as well due to its use of trains, coal gasification and manufacturing. He explained the certification recognized that this building had achieved areas above the minimum code in five categories - sustainable sites, water efficiency, which involved the way natural water ran off of the property and was used within the facility, energy and atmosphere, which included the energy efficiency of the systems that operated the facility, materials and resources, which involved local materials that had a great quantity of recycled content so the energy produced in creating these materials was less, and indoor air quality, which indicated the environment the employees worked in was of good or better quality than required with views to the exterior. He believed this was a tribute to the leadership of the Council. On behalf of the United States Green Building Council, ThreeSixty Architecture, TransSystems and Henderson, he presented a plaque to the City in recognition of those achievements.

Mayor Hindman thanked them for the recognition and noted the City of Columbia was proud to be able to add this plaque to the building for display. He stated they hoped this was the first and that they could do the same with other buildings. He commented that they appreciated the diligent work of ThreeSixty to ensure the requirements to obtain the plaque were met. He believed this was another example of Columbia being responsible to the environment and issues of climate change.

MDC Grant Check Presentation.

Ann Koenig provided information regarding trees and noted she had been before the Council for many years to provide the City money from the Missouri Department of Conservation in T.R.I.M. grants for some really great programs. She noted trees had many values to include an economic value. Research showed that people were willing to spend more for the same goods, pay more for parking, stay longer and come from greater distances

when trees were in downtown areas. Trees reduced runoff and erosion from storms by about seven percent. There were also energy savings. The net cooling effect of a young healthy tree was equivalent to ten air conditioners running 20 hours per day. The annual benefits provided by parking lot trees in eight percent of Sacramento's parking lots were valued at about \$700,000 in improved air quality. The environmental contributions involved climate change and research showed ten mature trees intercepted about 100,000 gallons of rainfall per year reducing runoff. In parking lots with tree shade, asphalt temperatures were reduced by 36 degrees and the vehicle temperature was reduced by 47 degrees. There were social contributions as well. There was less crime in areas with trees because people cared to be out and there were extra sets of eyes looking around. Symptoms of ADHD were reduced if children were able to get out and play in green areas. She noted there were many benefits of trees and was thrilled the City was applying for T.R.I.M. grants and focusing on trees. She pointed out she also provided seven steps to a highly successful urban forest in Columbia. She believed they could raise the bar with those seven steps and suggested they consider developing an urban forestry management plan. She also suggested they consider creating a tree board to look at trees for the entire community, be advocates for tree celebrations and getting people to be knowledgeable about trees and tree care. She presented the T.R.I.M. grant check to Mayor Hindman in the amount of \$8,943.27.

Mayor Hindman thanked Ms. Koenig and noted the City was very proud of being able to get funding year after year.

SCHEDULED PUBLIC COMMENT

Robert Johnson – Designing and building of bicycle sidepaths.

Robert Johnson, 1025 Ashland Road, stated he was the Education Coordinator for the PedNet Coalition and noted there was confusion about pedways within the community. He explained a pedway was essentially a sidewalk designed for people to bicycle and walk on and was a local term for sidepaths. They were not trails in any way, shape or form. They were far different from the MKT trail. In talking to people who were not bicyclists, they preferred riding on a path on the side versus the street. In addition, they were easier to build because they were in the right-of-way. The problem was that these were essentially sidewalks and bicyclists riding on sidewalks were 2-4 times more likely to be hit by a car than people riding on the adjacent roadway. The separation of bicyclists from automobile traffic on sidepaths was a total illusion as people could be killed. He commented that he had received a call from a lawyer last week regarding a fatal crash in Kansas City involving a dump truck and bicyclist that had been riding on the crosswalk. It seemed as though most of the time someone was highlighted in the local media as being hit by a car was when they were on the sidewalk. He showed a picture of a guy on the cover of the Columbia Tribune who felt safe riding on the sidewalk downtown until he was hit by a SUV. He showed another picture of a cyclist riding the wrong way, facing traffic, down a sidewalk and commented that the motorist who was turning right would never see the cyclist. They wished bicycle sidewalk riders would walk their bikes across intersections, but they did not. Someone that was hit by a car while riding on the sidewalk was quoted in a Columbia Tribune article as saying "The walk sign was up so I did not stop, I just went for it." He noted that was how a lot of people were hit. The

American Association of State Highway Transportation Officials noted operational problems were likely to occur, and unless separated, they encouraged cyclists to ride facing traffic. Pedways and sidepaths were on one side of the road, so a cyclist would have to ride facing traffic, and when the path ended, bicyclists going the wrong way down the street would typically continue to do so. The Federal Highway Administration indicated signing any sidewalk as a bicycle path increased the likelihood of tort settlements, even years later, because by signing them as a bicycle path, they were sending a message that they were safe when in fact they had built in booby traps for the unsuspecting. He commented that Portland was known for cycling in the United States and their bike coordinator indicated they would not consider such a design if there were driveways or other potential crossing conflicts. The Iowa Department of Transportation's bike representative did not think sidewalks should ever be considered as an acceptable alternative to roadway accommodations. The person in Madison, Wisconsin asked why someone would want to build them as they stopped building them years ago due to safety problems. The Missouri Bicycle Federation indicated a bicycle sidepath was a facility that did not work and was not safe. In addition, MoDOT, in their guide for bicycle facilities, stated a shared use path was appropriate in corridors not directly served by highways or streets, such as along rivers, lakes, parks and abandoned utility or railroad right-of-way. He understood they were thinking about building one along Providence Road, which was a four lane arterial and far different than MoDOT's guidelines. He noted they also increased motorist confusion. In his job, he told people cyclists were better off on the road because that was where they were safer, but at the same time, Columbia was building sidewalks specifically designed for bicyclists. He felt it was leading to an increase in motorist harassment in Columbia. He had talked to cyclists who had motorists honking at them and pointing over to the new pedways in town. Motorists felt the need to unofficially enforce the use of them, especially if they had spent \$800,000 on it. He understood the City was saying they were not legally a bicycle facility, but a striped sidewalk. The problem with the plan was that they were designed to be a bicycle facility because they were eight feet wide. The media always described them as being for bicycles and pedestrians and the one along Providence was named the South Providence Bikeway. In his opinion, they might be building dangerous and unnecessary facilities. He thought they were great for pedestrians and wheelchair users, but hoped the Madison and Portland examples showed they did not necessarily have to do this to get people to bike. He advised the Council to research this themselves, ask for a staff report, and postpone any pedway or sidepath project until everyone had learned more about them.

Mayor Hindman understood he was an Education Coordinator for PedNet, but was speaking as an individual. Mr. Johnson stated that was correct. He noted they had not talked to the Board about this. He thought Ian Thomas of PedNet would mention some of these things the following night, but pointed out it was not an official PedNet policy.

PUBLIC HEARINGS

B197-08 Voluntary annexation of property located on the north and south sides of Poplar Hill Drive, on the east side of South Bethel Church Road; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the voluntary annexation of seven lots totaling about four acres in south Columbia. All seven tracts were currently zoned Boone County R-S, which was equivalent to the City's R-1, single family, zoning. The Planning and Zoning Commission recommended approval of R-1 permanent zoning on all of the tracts.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

B197-08 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B198-08 Rezoning property located east of Brown Station Road and southwest of U.S. Highway 63 from M-C and M-R to PUD-8; setting forth conditions for approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this was a request to rezone property from manufacturing to eight units per acre. The Planning and Zoning Commission recommended the denial of this proposed rezoning request. Commissioners were concerned about the further loss of industrially zoned land within the City. He noted a request had been received from the applicant that this item be tabled until August 18, 2008.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman continued the public hearing to August 18, 2008 Council meeting.

Mr. Wade made a motion to table B198-08 to the August 18, 2008 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Boeckmann understood the August 18, 2008 Council meeting would begin at 6:00 p.m. rather than 7:00 p.m. Mr. Watkins agreed and noted the meeting would begin early to hear presentations from four boards and commissions with regard to annual funding recommendations.

(A) Consider the FY 2009 Capital Improvement Project Plan for the City of Columbia, Missouri.

Item A was read by the Clerk.

Mr. Watkins explained last year they started the process of taking public comment on the Capital Improvement Project (CIP) Plan separately from the rest of the budget. He noted they needed to remember the CIP was unconstrained in terms of finances. They included projects by priority from the staff's perspective and came up with estimated costs. He pointed out there was no attempt within the CIP to come up with a balanced program. Any project listed for 2009 reflected what they believed they could financially do. The goals tonight were to hear public comment on the Plan and obtain input from Council regarding any amendments they might need to prepare. After the budget was approved in September, staff would bring back a CIP that reflected any changes they might make in the budgeting process for Council approval. He explained this was the beginning of the public comment period of what would become the budget in September.

Ms. Fleming stated some of the changes were due to them having better information and noted some 1-2 year projects might have moved from 2009 to 2010 due to fiscal constraints. She explained the process, which included staff working to update the projects in February and March, the draft plan going to the Planning and Zoning Commission in April, Council being given the opportunity to review the plan at the mini-retreat in May, updates based on current information and year one financial constraints being made in June and July, and receiving public input tonight. Within the next week or so, Mr. Watkins would make some final decisions and year one would be incorporated into the City Manger's budget provided to the Council. In August, they would have the opportunity to discuss capital projects during work sessions, and when Council approved the budget in September, it would include year one of the CIP. In October, staff would update the document with the final numbers for Council adoption. She noted she had provided a summary that had outlined changes from what the Council had been seen before.

Mr. Skala understood they were fixed into 2009 budget and asked how the process would flow beyond 2009. He wondered about the 2-3 year and 6-10 year projects. Ms. Fleming explained it was appropriate discuss the out years at any time to include tonight and that it was easier to make changes with regard to the out years. The actual budget document would show five years of funding in the capital section. The 2009 column was the only column that legally appropriated funds. It only provided planning for 2010, 2011, 2012 and 2013. Mr. Watkins noted that with the enterprises, the CIP basically reflected the capital projects approved by voters in the various bond issues. He explained that was done approximately every five years. The street issues were done for a ten year period in 2005, so it would be about 2015 before that issue would come back to the voters. He pointed out that included public safety as well. Mr. Skala understood the streets would not be considered in 2010. Mr. Watkins stated that was correct. Streets were scheduled for a ten year issue in 2005. Water, sewer and electric were generally scheduled every five years.

Mr. Sturtz understood about a quarter of the CDBG funds had been recommended by the Community Development Commission to go toward the Worley Street sidewalk project. He wondered why that was not included in the CIP budget and why it was brought over to CDBG. Mr. Glascock replied they viewed CDBG as a funding mechanism. They tried to use CDBG funds where they could. They thought this was an important project and one they could bring forward by the use of those funds.

Mr. Sturtz stated a number of people in the First Ward felt CDBG funds would be better allocated for social services and with dealing with blight versus street and sidewalk projects that could be handled by the CIP. He noted it was a major component of the amount of money given. He thought it was \$200,000 of \$800,000. Mr. Watkins noted the engineering for the Worley Street sidewalk was in the CIP as project number 57. Mr. Sturtz understood that was for \$62,000. Mr. Watkins explained they did not have the recommendation from the Community Development Commission to fund additional money for the actual construction when they put the CIP together, which was why it was not included.

Mr. Sturtz stated he wanted the Council to consider shifting policy away from the use of CDBG funds for sidewalk and road projects that could be taken up by the CIP as was done for the rest of the City.

Ms. Fleming pointed out the \$217,000 for construction was in the revised schedule.

Mr. Janku understood if it was not listed for 2009, funding was not available to bring it forward. Ms. Fleming stated that was correct. She noted the numbers had not been finalized as they still needed to do some double checking, but they believed funding was available for projects indicated for 2009. Mr. Watkins pointed out an exception was the GetAbout Columbia projects, but after the meeting tomorrow evening, it would include those appropriate projects.

Mayor Hindman opened the public hearing.

Tom Jensen, 2416 Wild Oak Court, stated he was representing a corporation that owned land that was subject to a taking under the CIP Plan. He explained 809 S. Providence was a portion of land the City had slated for taking to bring some type of resolution to the Burnham/Providence/Rollins intersection. The proposed taking would destroy in excess of 80 trees and historic green space. The land in question was the original land on which most of the University property sat. The Grasslands Plantation Manor dated back to the nineteenth century and had historic value to include the only privately held piece of property in the state of Missouri that had a tree native to Missouri. He commented that they had been in touch with appraisers and the proposed amount to be spent on this project by the City was less than the appraised value of the property. There would then be additional costs for improvements. He stated they had an on-going dialogue with the City, but staff had been unmoved by their efforts to persuade them to consider cheaper alternatives. He commented that they would take it upon themselves to educate everyone.

Ms. Hoppe asked which project he was referring to. Mr. Jensen replied the project involving 809 S. Providence, which was at the corner of Providence and Rollins with a big driveway and a white house currently occupied by a fraternity. The plan was to extend Rollins bisecting that property and destroying the green space in order to connect it with Burnham. The Grasslands Neighborhood Association, which sat adjacent to the land had come out in support of trying to preserve the property at 809 S. Providence and was advocating exploring some of the cheaper alternatives.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Wade noted the Longview Sidewalk project was added to the 1-2 year timeframe and explained Longview Park was completed as the neighborhood park for Stonecrest and Longview, but its location had changed without consideration of how children and people would get to the park. Mr. Janku stated it had always been in that location and had always been a bad location in his opinion. Mr. Wade understood there was earlier property for another park, which ended up not working. There was never any allocation made for how children and people could access the park safely from Stonecrest and this project would do that. In the next month, there would be meetings between staff and the neighborhood to talk about different ways it could safely be done.

Ms. Nauser asked for the status of the Burnam/Rollins intersection improvements. She understood it was still in the investigation phase. Mr. Glascock replied that was correct. He explained they had five alternatives and had received information from the University indicating they wanted to proceed with the five alternatives. Ms. Nauser asked what would happen next. Mr. Glascock replied they would try to come up with a preferred alternative for

Council consideration with a public hearing. Mr. Watkins understood there had been two formal meetings and many informal meetings with regard to the project. Mr. Glascock stated they had met with Grasslands Neighborhood Association, the fraternity and the University. Ms. Nauser understood nothing had been determined or decided yet. Mr. Glascock stated that was correct and noted they would ensure, as they moved forward, that everyone had the five alternatives. A lot of the alternatives impacted the University because they owned the property on the north side. Ms. Nauser asked if there would be another informational meeting before they had a public hearing. Mr. Glascock replied yes.

Mr. Skala commented that in the 6-10 year range, project number 4 was the Clark Lane – Taper at Woodland Springs and project number 13 was the St. Charles Road – Keene to Grace Lane. Both of those road projects were lowered in priority in 2005 and the Lemone project was moved to the top of the list. He thought that project would cost about the same as these two projects. He pointed out he would continue to be an advocate for those projects. He understood part of the reason the Lemone project passed had to do with the argument that this had been promised for 25 years. He noted he had lived off of Clark Lane for almost 28 years and it had never been improved. Given the amount of residential and commercial development pressure on that piece of road, he felt it needed to be a priority and stated he would insist on it being a priority.

Mr. Janku referred to the Oakland Gravel Road – Blue Ridge to Vandiver sidewalk project and understood part of the uncompleted stretch was a developer obligation. He thought the part near Holly was a new subdivision with a completed house and believed the sidewalk should be required. He understood the obligation to complete the sidewalk was within so many years of the plat and asked for the status of that sidewalk. If there was a developer obligation, he noted the City's share would be minimized.

Mr. Janku understood there was a sidewalk on both sides of Rangeline/763, but wondered how far south it extended on the west side. He wondered if it extended south to Bear Creek Boulevard or the Bear Creek Trail. If it did not, there would be a gap on that stretch. He asked for a response to these items prior to adoption of the budget.

Ms. Hoppe asked if widening New Haven Road, east of AC and in front of Lenoir to Warren Road, was in the Plan and if it was a 3-5 year project. Mr. Glascock replied he did not believe it was. He thought the Plan included the construction from Maguire/Warren Road up to New Haven. Ms. Hoppe proposed they add the widening of New Haven to the Plan because there were some real traffic problems.

Ms. Hoppe noted they had received comments from the Planning and Zoning Commission and items number 2 and 6 involved the designation of the Stadium Boulevard extension toward the east and the Gans Road extension to Providence as scenic roadways. She assumed that meant they would need to develop a standard for scenic roadways if they did not already have one. She wondered if it needed to be added. Mr. Watkins suggested they look at it as a report to understand the cost implications. Both projects were out a number of years and most of Gans Road to Providence would be directed by the County because very little of that area, past Bearfield Road, was within City limits. Ms. Hoppe understood the design was being done by the County, but felt that by the time it was built, it

could be in the City. Mr. Watkins agreed it could and thought it would be important to bring design plans to the Council to review and approve as they worked with the County.

Ms. Hoppe noted they had also recommended moving the Ballenger overpass to a higher priority. Mr. Watkins explained the Ballenger overpass had been moved up this year, but the difficulty was that they needed to get Stadium or the East Columbia EIS through the federal process. He pointed out it would be a number of years before they knew where it had to go. In addition, in his opinion, they needed to do St. Charles before Ballenger because they did not want Ballenger going into a lousy road. Mr. Skala stated he appreciated the fact they had to expedite this due to federal demands, but explained it was supposed to be an outlet for traffic generated on Ballenger and they would be expediting the process to put in the outlet before a road that could not handle the traffic it already had was improved. He commented that they did not know what to expect from the EIS in terms of the alignment that was influencing the St. Charles piece of the puzzle. He thought they needed to look more holistically at the traffic management process in this area where all of those roads connected. He felt 6-10 years was too long. Mr. Watkins pointed out they had been working on Scott Boulevard for about eight years and stated it just took a long time.

Ms. Nauser asked if the Scott Boulevard and Vawter School Road intersection redesign was under the current phase or within the two future phases. Mr. Glascock replied the current phase. Mr. Watkins noted their intent was to bid it as an add alternate in hopes they could afford it so it could be in phase 1.

Mr. Wade commented that items 3 and 4 in the Planning and Zoning Commission comments discussed CATSO addressing street planning as it related to the new high school, which he thought was essential. They needed to know there was coordination between the plans of the Columbia Public School District and the road demands they would have in getting those synchronized. He noted it might be uncomfortable in terms of what was 3-5 and 6-10, but thought it needed to be coordinated and CATSO needed to come back to them. He asked what they needed to do to get that done. Mr. Teddy replied the Planning and Zoning Commission was working on the CATSO recommendations for that area to bring the City map up to date. Mr. Wade understood that was part of sub-area planning. Mr. Teddy stated that was correct. He noted that effort might involve rethinking some of those new arterial and collector roads in that area. He explained he was speaking of the study area the City Council and County Commission authorized them to work on. They had the area plan and the assignment to bring forward recommendations on the CATSO plan. Mr. Wade asked if the School District was working with them for coordination with their timeline. Mr. Teddy replied school officials had attended their area planning meetings. Mr. Watkins understood there was a lot of focus on the new high school and pointed out there was also a new elementary school being built in the north that would dump onto some unimproved roads. He explained they had tried to move up the improvement of Brown Station Road and some of the intersection improvements with Waco Road. A couple of years ago, those were not even within the first ten years. Mr. Wade asked if City staff and school staff had the appropriate coordination to keep the plans connected. Mr. Watkins replied yes.

Ms. Hoppe noted the Planning and Zoning Commission recommended the Broadway and Fifth Street sidewalk intersection be moved from a 3-5 year project to 1-2 year project.

Mr. Sturtz stated he affirmed that as well and explained it tied in with a GetAbout Columbia project they would look at tomorrow involving Flat Branch and the Black Historic District. He felt it was a key intersection.

Mr. Janku understood they were offering these comments for staff to take into account, but were not making any motions, so if someone did not get something incorporated, they would need to bring it up as part of the budget process. Mr. Watkins stated that was correct. He noted this was helpful to staff in terms of knowing what they needed to work on to be prepared to answer questions.

R168-08 Approving amendments to the 2008 Community Development Action Plan and the 2005 – 2009 Consolidated Plan as it relates to reprogramming available CDBG and HOME funding and expanding the Neighborhood Response Team area.

The resolution was read by the Clerk.

Mr. Watkins explained this was a required public hearing on some amendments that had been proposed through the Community Development Commission to the Action Plan and Consolidated Plan. This would adjust the estimated HUD funding levels to actual HUD allocations. He noted they were in the unenviable situation of having to prepare a budget without actually knowing how much money they would receive from HUD, and every year they had to amend the Action Plan to either add or subtract a little depending on the final number, so those adjustments were in the Plan. They had also proposed some reprogramming of previous years funds for new CDBG projects and part of the issue was to ensure timely expenditures of these funds. HUD had a standard indicating they could not keep more than 1.5 times an annual allocation. They had to spend it or would have to deal with financial penalties in the upcoming year, so there were recommendations with regard to the unspent money from before and some reallocations in order to meet the timeliness guidelines. He commented that the Consolidated Plan recognized the fact Council had directed them to make changes in the NRT area. Due to the size of the changes, they needed to incorporate them into the Plan.

Mr. Teddy commented that most of the discussion involved the Action Plan, which was the City's plan on how it intended to spend CDBG and HOME grants. It was also a report on other projects that had drawn HUD resources that might not involve the City, but were projects within the City. As mentioned, they had to adjust the amounts to show they had fallen short of the estimated amount when the budget was prepared for 2008 funding. He explained they had estimated \$862,000 and the amount announced by HUD in the spring was \$836,409, which resulted in a net decline of \$25,591. There were also a number of unspent funds from previous CDBG program years and the net result was \$203,712 that needed to be reprogrammed. As part of the review of new project applications for 2009 funding, the Community Development Commission and staff wanted to provide Council recommendations on which applications might make use of the funds that were currently released and available instead of making them wait until 2009 funding became available as the release of funds would occur later in the year. By doing this, they could get some money spent to meet the timeliness objective. The projects being recommended were \$104,214 for renovations to the Blind Boone Center owned by the Columbia Housing Authority, \$19,500 for improvements in the form of foundation stabilization and ADA accessibility improvements

to Access Arts at 1724 McAllister, \$12,000 for the purchase of a van for Comprehensive Human Services also known as The Shelter whose mission was to help homeless victims of domestic violence, \$7,000 for the purchase of a van for Rainbow House whose mission was to help abused and neglected children, \$41,998 for the City's owner occupied housing rehabilitation program to allow the City to meet their projected demand for projects through the fiscal year and \$19,000 for CDBG administration and planning since they were near the end of a five year cycle and needed to prepare a 2010 - 2014 Consolidated Plan. He noted there was also reprogramming of some HOME funding in the Action Plan. The estimated funding was \$19,760 over what they received and a net amount of \$48,423 was available in recaptured funds from other projects and other program years. They were recommending putting those dollars into the owner occupied rehabilitation program. With regard to the Consolidated Plan amendment, the Council directed them to expand the NRT geographically to West Boulevard on the west and Old 63 on the east to encompass the Benton-Stephens and East Campus neighborhoods.

Mr. Skala noted a discrepancy of about \$5,000 between the two agencies requesting funding for vans and asked if that was because of their relative contributions toward the expenditures. Mr. Teddy replied they requested different amounts and the rankings were different. He thought Comprehensive Human Services had a slightly higher ranking and had a larger request as well.

Mr. Janku understood the rental rehabilitation program could be used to upgrade the energy efficiency of houses and asked for the total budget and if there was a need to keep it funded until the next allocation. Mr. Teddy replied they were actually proposing to reduce it from \$120,000 to about \$70,000 with the difference going to the owner occupied rehabilitation program. He explained they had not received any applications for rental production, which was a larger category and included rental rehabilitation. The rental rehabilitations were generally in the \$15,000-\$35,000 per project range, but the more general rental production category included projects like Bethel Ridge Senior Housing, which was a very large scale project. He noted they did not have any applications at this time, so they felt there were enough funds. Mr. Janku asked if it had been publicized within the landlord community. He wondered if they were aware they could get this funding to upgrade properties. Mr. Teddy replied he thought there was a general awareness. The rules and paperwork were a little oppressive and there was an equity match requirement, which had been relaxed. They were trying to provide more of an incentive for the use of the program, but those tended to be small in scale. He noted one property owner they were working with had a rental house. Mr. Janku understood they were not concerned about running out of funds. Mr. Teddy stated that was correct.

Mr. Sturtz commented that there was a chart titled Exhibit 1 with the recommendations of the Community Development Commission that broke out the applications into different categories of funding and the far column showed the allowable percentages for each category. He asked if those were set by the federal government. Mr. Teddy replied they were set mostly by a Council policy resolution. The Council established target ranges for those categories. He explained there were some federally mandated categories and noted they were limited on the amount of planning and administration they could claim. That

particular column reflected the Council policy resolution. Mr. Sturtz noted public improvement was 40-55 percent of the total, which was quite high. They had taken a project, the Worley Street sidewalk project between West Boulevard and Clinkscales, in the 1-2 year timeframe off of the CIP and had put it here. He asked if that was done due to the requirement of the 40-55 percent range. Mr. Teddy replied this year the public improvement category was not competitive because the dollar amounts requested fit within that range of 40-55 percent. Mr. Sturtz stated it was at 38 percent. Mr. Teddy stated it was off of the low end and was a byproduct of having a percentage band.

Mr. Janku thought the Worley Street project and any other CDBG funded project was within the CIP. He wondered if it had been moved to a current project. Mr. Sturtz stated he thought the Worley Street project was on the 1-2 year list in the April, 2008 version and continued to be there with a change in the funding source. Mr. Teddy understood it was being considered as a GetAbout Columbia expenditure at one time. There were number of sidewalk projects listed in the GetAbout Columbia Working Infrastructure Project Plan and due to its limited budget, this had to come out.

Ms. Nauser referred to the priorities under the Housing category on Exhibit 1 and pointed out two items were listed as a second priority. She asked if one needed to be changed to a third priority. Mr. Teddy replied that they used a point rating system and gave equal ranking if there was a tie.

Ms. Hoppe noted number 29 on page 17 stated the Council was considering establishing a fund to assist those that were displaced from mobile home parks and asked if something like that could be funded through CDBG. Mr. Lata replied it was an eligible activity, but there had to be an actual displacement before it could be an eligible activity. He explained it was hard to plan for it a year in advance. If it came up and there were funds available, it could be done. Ms. Hoppe understood it would come from left over funds. Mr. Lata stated that was correct.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

Mayor Hindman understood staff had questioned the funding of vans. Mr. Watkins pointed out that it was his comment. It did not reflect staff or the Commission. He explained he had met with the Commission and they agreed to disagree. It was something they had resisted for a number of years and this year there were two. He noted his concern was not a reflection on the agencies because both were great agencies. He did not believe funding for vans for transportation for clients was the best use of CDBG money. He thought they would see a request for a replacement in a couple of years, so it would create an on-going need to replace those vans. In addition, if these were approved, he assumed other agencies would be requesting them next year. He thought the focus should be to consolidate transportation uses rather than having individual social service agencies with their own vans for their own projects. He felt that just because there was enough funding did not mean it should be spent. He stated he had no problem with reserving a little “no spend” money for another alternative they might receive. He recommended the Council consider eliminating those two requests as he did not believe it was the best use of those funds.

Mr. Wade asked if the purchase of vans were expenditures that had not been made in the past. Mr. Teddy replied they had been very limited. The Rainbow House and Comprehensive Human Services had each bought a van using CDBG funds. He commented that Mr. Watkins was correct in that there was a long period of time in which the City was resistant to that practice. He thought it had been 1998 or 1999 money for Comprehensive Human Services and 2000 money for Rainbow House. He noted a report by the Boone County Community Partnership within the last two years had documented the great number of human services transportation providers in Boone County and Columbia, so there were a great number of organizations with vans and part of the Boone County Community Partnership's critique was that they were not coordinated.

Mr. Wade asked why the Commission decided to support this kind of expenditure. Mr. Teddy replied he was not sure. Mr. Wade wondered if the Boone County Community Partnership had proposed a way to coordinate meeting those transportation needs. He thought they might find far fewer were needed than were already out there. Mr. Lata explained no one had applied in the recent past because the community services activities had been limited to 0-5 percent. Mr. Janku understood the increase to 35 percent opened it up.

Mr. Watkins pointed out a separate commission looked at community services operations and he believed the question was whether they considered a van to be more of an operating expense or a community betterment/neighborhood function. He believed CDBG money was best used as a community betterment/neighborhood function.

Mr. Wade commented that he believed the work the Boone County Community Partnership had done with regard to transportation was sound and wondered if the only way they would begin to see a real collaboration to make a more efficient use of the resources that were already there was to not support the continuation of having more transportation resources available than needed, even though those individual agencies might think they were needed for their purposes. He wondered how they would get efficient resources if they continued supporting more resources than were needed.

Mayor Hindman stated the work done by the Boone County Community Partnership had been extensive and suggested this request be coordinated through them.

Mr. Skala asked if the other group that handled operations had taken up this issue. Mr. Watkins replied he did not believe the Community Services Advisory Commission had taken up the issue of these two projects. Mr. Teddy stated he was not aware of it. He pointed out HUD classified equipment purchases as community services versus capital and it was subject to a 15 percent limit of the overall CDBG allocation.

Mayor Hindman asked where they would be with regard to the budget if this was amended to take the vans out. Mr. Watkins replied they would have money left over to reallocate for a future need. Mayor Hindman understood they could put it back into the vans if it was justified. Mr. Skala understood they could refer it to these groups for further input as well.

Mr. Sturtz noted there was a model in other cities for flex-cars, which would develop these kinds of collaborations. The idea was that different individuals brought their drivers licenses forward and provided a small fee to be part of a pool of people that shared cars. He

wondered if some of this money could go toward seeding that kind of project where a lot of different organizations that needed it could avail themselves of it.

Mr. Wade commented that they had a community resource in the Boone County Community Partnership to take leadership in building that kind of coordination and believed they needed to encourage that to happen as opposed to using CDBG money for individual agencies to have their own vans.

Mr. Wade made the motion directing staff to remove the funding for the vans from the Action Plan associated with R168-08. The motion was seconded by Mr. Skala.

Mr. Skala asked if there was any action needed to refer this issue to the various groups. Mr. Watkins suggested a motion.

Mr. Wade revised his motion to be to direct staff to remove the funding for the vans from the Action Plan associated with R168-08 and to refer that issue to the Boone County Community Partnership and the Community Services Advisory Commission for their recommendations to be provided to Council within about a month. The revised motion was seconded by Mr. Skala and approved unanimously by voice vote.

Ms. Hoppe stated she agreed with Mr. Sturtz's comments about the percentage of money going toward sidewalks and streets and wanted to see First Ward streets funded in the same manner as streets in other wards, so this money could be allocated for other needs.

Mayor Hindman stated he understood the argument for these funds to go toward low income areas needing services versus using the money toward capital projects that could be funded like other capital improvements, but pointed out that if they did not fund these projects with CDBG funds and had to go into a smaller pool of capital improvement money, these areas would be competing with other parts of Columbia. By using CDBG money, they had a fund where they would get a larger share of capital improvement projects in the CDBG area.

Mr. Janku noted he represented North Central when he was first on the Council and recalled how strongly people like Linda Rootes and Betty Cook Rottman wanted their streets improved. He explained new subdivision residential streets were paid for by the person purchasing the home. For streets in the older parts of town that were not built up to the standards of curb, gutter and sidewalk, the City paid for some of the upgrade, but the property owners were taxbilled heavily as well. That was a reason why very few streets were upgraded. In the CDBG eligible areas, these funds paid the taxbills for the low income people who lived there. This allowed them to go into older neighborhoods and build streets to current standards without taxbilling. If they did not continue that policy, those streets might not get improved or a City-wide standard of no taxbills would have to be considered because the low income areas would not be able to afford them. Mr. Janku recalled a discussion in March involving restrictions on funding certain activities with CDBG money. He was not sure they had much flexibility there. Mr. Teddy agreed there were some caps. Mr. Janku pointed out he was referring to federal caps, not Council caps. Mr. Teddy explained there were limitations on the purchase of equipment, public buildings for general purpose government and anything done outside the eligibility area. The expenditures had to be within or have some relationship to areas of low or moderate income. If they were programs that assisted individuals on an application basis, they had to be for the benefit of low and moderate income individuals.

Mr. Sturtz thought most of the federal mandates seemed to be of common sense as the money should be going to the lowest income neighborhoods. He thought most of the restrictions were coming from the City level from Council policy. Mr. Teddy explained these block grants were meant to give a little more control to localities so they could plan priorities and balance investments that made sense to them. It was not meant to be a heavily mandated urban development program.

Mr. Sturtz understood Mr. Janku had indicated that if these projects were not funding with CDBG funds, there was a possibility they would be taxbilled and noted many of the 1-2 year projects listed on the CIP, such as the Fairview Road Sidewalk, Longview Sidewalk, Oakland Gravel, etc. that were not being taxbilled. Mr. Janku stated they could be. He clarified his point was that Worley was being funded. Mr. Sturtz stated it was being funded, but it was really the only project within the First Ward. Mr. Janku agreed they could put other general funds into the First Ward. He asked if he did not want CDBG funding and explained that the project moved up due to CDBG funding, which was an advantage. He noted Longview and Oakland were unfunded.

Mr. Skala understood Mr. Sturtz felt the City was being more restrictive than the federal government, but he saw it the opposite way because it was a matter of the Council's judgment to determine how much CDBG funds would go towards these kinds of improvements. He did not believe it demanded the CDBG money be spent on road infrastructure. Mr. Sturtz stated he thought they were mandated by their own policy to spend 40-55 percent of the total CDBG funding toward it. Mayor Hindman thought Mr. Sturtz was correct. Mr. Watkins noted it was a Council requirement. Mr. Sturtz understood they could change the policy to make it less restrictive. Mayor Hindman pointed out this debate had come up several times and the amounts had been changed from time to time, so it could be changed again. He thought it depended upon the make up of the Council and what they wanted to do. He noted they could continue to spend this and try to get more money out of the general fund to add to this to speed up projects in the First Ward. He stated they could also put a larger portion in social services, but pointed out they had already spent nearly \$800,000 in social services. He commented that they could switch more of those funds and try to get more money from the general fund for capital projects, but would run into the competition issue due to a more limited pool of funding.

Ms. Hoppe noted it was possible to put some of CDBG money into a road along with general fund money, so they could do different combinations. Mayor Hindman agreed and pointed out that by going to the general fund, they would be competing with the other projects.

Mr. Wade stated they spent time talking about percentage distributions earlier this year and settled on these to create the framework for the Commission. He assumed they would have another discussion about those percentage distributions next year, which he believed was appropriate.

Mr. Janku stated he thought the Business Loop 70 sidewalk project from Jackson to Jefferson was in the First Ward and was budgeted for current year with general funds, so general fund money was put into some First Ward projects. He noted he had no problem with putting in more.

The vote on R168-08, as amended, was recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

B208-08 Authorizing the Southland Area Customer Transfer Agreement with Consolidated Public Water Supply District No. 1.

The bill was given second reading by the Clerk.

Mr. Watkins explained the City entered into a territorial agreement with Consolidated Water District No. 1 in 1998 a provision was that if one party was no longer able to serve a territory even though they had customers in that territory, the other one would take over. Consolidated had requested the City take over an area located roughly along Nifong, between Providence and Rock Quarry, with about 102 customers. It was an area the City could serve relatively well and there was a duplication of service there now. Many of the 102 customers were within the City limits and would see a rate reduction because City water rates were lower.

Ms. Hoppe asked if everyone had been notified. Mr. Watkins replied he believed they had.

B208-08 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, HINDMAN, SKALA, JANKU, WADE, NAUSER, HOPPE. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B210-08 Amending Chapter 13 of the City Code relating to business licenses.

The bill was given second reading by the Clerk.

Mr. Watkins explained there had been a staff review of the business license ordinance, which was separate from the chronic business ordinance they were working on. Staff was proposing a number of changes in the current ordinance and the most significant change was an increase in the fine for violations of the existing ordinance.

Mayor Hindman asked if this expanded the types of businesses covered by a business license. Mr. Boeckmann replied no.

Mayor Hindman thought there were several significant changes besides the fee increase to include the power of the police to conduct an investigation and issue warrants, which he felt was long overdue. In the past, he had received complaints about the conduct of businesses, other than just the nuisance type things they had heard about, and they were not able to get any action out of business license people. He felt this enabled the police to get involved and was a step forward. He believed the business license should do something other than generate income. He thought they should have some regulatory authority.

Mr. Skala agreed and noted that before their only recourse involved liquor licenses, so he felt this was a step forward.

Ms. Nauser referred to Section 13-31, which read “The business services administrator, the administrator’s representatives, and police officers are authorized to conduct inspections and investigations to enforce this chapter” and stated she was concerned with the police doing inspections as she believed that should be the function of the

administrative department for business licenses. She wondered what they would be inspecting. She noted there was also a provision indicating that if a party refused an inspection, the police officer would apply for a warrant or go back to the administrator to request the prosecutor issue a warrant. She asked for clarification because she was not certain she wanted them to conduct inspections for business licenses. She wondered what they would be looking for. Mr. Boeckmann replied it would depend on what kind of complaints there were. He explained there was one person in the Finance Department whose job included this and other things. He did not believe there would be a big change based on this because there were staffing issues. Ms. Nauser felt if it was a staffing issue, it should be addressed through staff rather than police enforcement. She questioned having police inspect a business to ensure they had the proper business license. If there was a complaint, such as a loud nuisance, she could see the police investigating.

Mr. Skala thought this was all complaint driven. Mr. Janku wondered what kind of inspections they were talking about. Mr. Watkins explained if someone received a business license to do certain acts and they received a report they were doing something entirely different, they needed to follow up with an inspection to find out what was actually being done. Mr. Skala commented that it seemed as though these were two grades with inspection being a little lower grade than investigation. Mr. Boeckmann pointed out the current ordinance had inspections. Ms. Nauser noted it was at the request of the business administrator or as directed by the chief of police. She felt they were broadening the power by allowing the police to inspect businesses. She asked if this would be prompted by violation or if it was a way to alleviate staffing issues. Mr. Boeckmann stated he did not believe anything would change. As it was written, the business license administrator could ask the police to do this, but in reality the police had already been doing certain things, such as enforcement of the smoking ordinance. There were certain things in the smoking ordinance that were required of a business and if they had staffing, the business services person could make sure everyone had proper signage, etc. Ms. Nauser thought police officers had more important things to do. Mr. Boeckmann commented that when they were complaining about Athena and other places, it was nice to have something to back it up. Ms. Nauser noted this specifically stated it did not address that issue. Mr. Boeckmann explained Athena had a business license as did other businesses they would be receiving complaints about. He stated they could take away the inspections authority. Mr. Watkins commented that he did not believe it made a difference one way or the other. Mayor Hindman agreed he could not see that it made a difference.

Mr. Janku asked why the bond was being removed. Mr. Boeckmann replied it had never been used and was a nuisance. If an individual had a complaint against someone and received a judgment, they did not know there was a performance bond. In addition, he thought the jurisdiction of small claims court now exceeded \$1,000. The choice was to increase it to make it more realistic or to eliminate the bond since no one had used it.

Ms. Nauser commented that they had open ended language. One concern with nuisance businesses was that they did not define what a nuisance might be. She referenced the Kansas City ordinance that had about ten issues that were considered a nuisance and involved high crimes, excessive neighborhood complaints, illegal and illicit drug activity and a

high demand for police services. When she brought this up, she felt it would be more beneficial to have set criteria so everyone was on the same playing field and would know what constituted a nuisance. It would take away the ambiguity and some of the common cries of them picking on certain places. She felt this ordinance was an attempt to address some of her issues with regard to nuisance businesses. Mr. Boeckmann replied it really was not. He explained the Police Department brought up the fact the fines were too low when looking at the chronic nuisance ordinance. The nuisance language was in response to the Athena situation. In reviewing the ordinance when they had a hearing set for them, some of his assistants felt there could be improvements in the language. This ordinance was to address those issues. It was not an attempt to address the issues Ms. Nauser brought up. He noted nuisance was a vague term in the law. It was developed in common law, which was court made law and was on a case by case basis. He noted they could list 26 items they felt were a nuisance, but would need a 27th when there was a complaint. It was nice to treat everyone equally, but that did not happen in the real world because it was complaint driven. He commented that this did not mean they could not have a chronic nuisance ordinance with a list of items, but they would never cover everything by the concept of nuisance if they tried to do it specifically. Ms. Nauser stated she was not attempting to cover everything. If they had one place with 30 calls for service in one month, it was obviously a nuisance. Mr. Boeckmann commented that if he was out to get a bar, he could make calls for service in order for the police to respond. He noted another business could be as bad or worse and not get any calls for service.

Mr. Skala understood this would be outcome based in that when there was an inspection or investigation, it justified the language rather than having a list and adding to the list. Mr. Boeckmann pointed out this was not the chronic nuisance business ordinance. Those issues would be addressed at some point. This was due to having problems with the current ordinance. He noted he could have waited until the Police Department completed its report on chronic nuisances, but felt this was unrelated to that concern.

Mr. Janku thought this was a general nuisance ordinance, which would be followed up with more specific language because if something was not listed, they could fall back on this one with the broader language. He did not believe there was any reason not to pass this ordinance. Ms. Nauser stated she was not suggesting they not pass this. She noted she brought up the chronic nuisance issue in February and it was now going into August, so she equated this to that issue. She was concerned the police department was specifically being given the rights to inspect without being requested to inspect property, which seemed to be more restrictive. She commented that she wanted a mechanism to take care of people who were causing problems, but did not want the vast majority who operated a business to be overburdened by this. Since this was vague, she felt it might be more work for a business owner. She wanted to ensure they were not expanding the option for people to make inspections without a valid complaint.

Ms. Hoppe asked why “police officers shall make inspections...when directed by the chief of police pursuant to a request from the business license administrator” was changed because she felt that would be the natural progression. Mr. Boeckmann replied most of the problems involved bars. Athena was a little different, but it started off as a bar. The business

license administrator was not calling the police to go to Athena. The police were receiving complaints and calls for service and were investigating the crime and whether the business was operating legitimately. Typically, the police did the work and took it to the business services administrator to review the stack of police reports that were developed. He stated he was not sure it had ever worked the way it read in the ordinance. He commented that it could be set up so the police could not do anything unless the business license administrator asked the chief of police.

Ms. Nauser asked if the business license administrator inspected to ensure a business' books were in order, the license was properly posted and they had paid their fines. Mr. Boeckmann replied they had never looked at the books and he was not sure anyone ever went out to ensure the license was posted correctly. Ms. Nauser felt inspecting a business license was one function, but inspecting or investigating a call for service was a different function. She was concerned with adding "inspections" as a responsibility or ability of the police without being specifically asked.

Mr. Skala understood that when the police were called on a complaint regarding something criminal or something in their jurisdiction, they dealt with it, but if there were just some observations with regard to the business, it would be referred to the administrator for that person to go through and review. Mr. Boeckmann commented that the only thing he was aware of was in connection to bars. When the police continually received calls for service at one bar, they typically put the reports together for the business services administrator with a recommendation to revoke their license. Mr. Skala understood for all practical purposes the business administrator would not have to be involved in this because the administrator had never really gone out to inspect a business. Mr. Boeckmann stated he could not say that never happened, but that was not anything that worked its way to his office.

Mr. Janku agreed with Mr. Skala in that the police officer could be called to the establishment for a reason, and while there, could find another violation, which would allow them to initiate an enforcement action against this business. Mr. Boeckmann stated he did not believe that was the case. It was not as though they were called there to deal with an assault and noticed another violation. The assault was the problem they saw and if a business continued to have assaults and other kinds of violations they thought were a nuisance, they sent the reports to the business services administrator.

Mr. Wade stated he felt three things were being done in this ordinance. It increased the fine substantially, which gave the City teeth in dealing with a business that created a serious set of public issues. It eliminated the need for bonds for certain kinds of businesses. It also improved the quality of the writing by cleaning up some sentences with better English. He commented that he did not see the changes being discussed. Mr. Skala stated it appeared as though it was changing the chain of command, but was not because the chain of command was never followed. Mr. Boeckmann stated it was not that it was not followed, but the police were sending over reports for the business services administrator to review and exercise judgment with regard to whether the license should be revoked.

Ms. Nauser stated she was not comfortable because it was too vague to say they could conduct inspections with regard to the business license. Since they could also investigate, she was looking at it as two separate activities. She felt the inspections could

lead to investigations. Mr. Boeckmann commented that if someone went into a business to see if the license was hanging, it was an inspection, but if a complaint was received indicating a business did not have the license up, it was an investigation to see if the license was displayed. Ms. Nauser stated she had a problem with officers walking into a business and asking to see the business license. If they were walking into it for another reason and found they were not in compliance with something else, she did not have a problem. She was concerned with looking for an ordinance violation and turning it into a criminal investigation. In her mind, that would be a breach in how they should be handling these issues. She asked if the administrator was the same person as the director. Mr. Boeckmann replied no.

Mr. Skala stated he understood the distinction, but was unsure of how to address it. It was not as though a police officer went in just to see if there was a business license on the wall unless someone had complained.

Ms. Hoppe suggested they add language reading “if they are there for another legal purpose or investigation.” Mr. Wade thought the more they added to it, the more inoperable it became. Mr. Boeckmann agreed and pointed out he was not trying to change anything that affected what the police did. Ms. Nauser stated she felt it led to the possibility, so she preferred they leave it as it was, but at the same time she did not want to impede an investigation. She did not want more businesses like Athena down the road and wanted more teeth in the ordinance to deal with those issues. She also felt they were opening the door of allowing people to make inspections. Mayor Hindman asked if she wanted to remove the term “inspection.”

Ms. Nauser made the motion to amend B210-08 by deleting “inspection” in Section 13-31(a)(1) and Section 13-31(a)(2). The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B210-08, as amended, was given third reading with the vote recorded as follows:
VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING
NO: NO ONE. Bill declared enacted, reading as follows:

B214-08 Authorizing First Supplemental Agreements with the Shoppes at Stadium Transportation Development District, the Stadium Drive Corridor Transportation Development District A and the Columbia Mall Transportation Development District relating to transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.

The bill was given second reading by the Clerk.

Mr. Watkins explained these agreements were tied to the next piece of legislation they would consider as well. This was a project to improve the Stadium corridor in terms of traffic congestion. They had been working on it for over three years and the entire project was expected to cost almost \$20 million. The project was the recipient of about \$9 million from MoDOT because this part of Stadium was a MoDOT project. The local share was about \$11 million and included a piece of Stadium and changes to Bernadette, Fairview, Ash and other local streets. There were three existing TDD’s in this corridor and an agreement had been worked out whereby they would provide their existing TDD tax revenues minus a small amount of operating costs to pay the local share over ten years. They were doing a \$20 million project with MoDOT money and existing TDD tax revenues. No money would be

coming from the City's capital improvement fund. An amendment sheet was prepared by the City's attorneys to finalize the agreements and had to do with the position of the loan agreements and ensuring the right-in/right-out and access to the various existing developments would continue as shown on the current conceptual plan that was a part of this. The amendments and the agreements had been approved by the Columbia Mall TDD. He understood they were acceptable to the Shoppes at Stadium TDD, although they had not actually voted. The final agreements were worked out within the last hour between the City's attorneys and Raul Walters' attorneys with regard to access. With the Council's approval of both pieces of legislation, they would begin tying down the planning and design for the project. He noted these were public improvements and even though they were not being funded by City capital improvement taxes, they would hold public hearings on the actual design of all of these streets. MoDOT would as well. He commented that it was a situation where they had to have the money to do the final plans before they could approve the final plans, but felt this was the appropriate approach.

Mr. Skala asked if there were no taxpayer dollars involved from the City's point of view. Mr. Watkins replied it depended on whether they considered TDD taxes to be local dollars, which he did. He clarified there was no money from the capital improvement fund, sales tax fund or other normal sources. Mr. Skala understood the City would contribute to the planning, so it did cost the City something, but it would be reimbursed by the public. Mr. Watkins stated that was correct. Mr. Janku understood the City received a collection fee. Mr. Watkins stated the City received a one percent collection fee, which covered their costs. Mr. Watkins explained the next piece of legislation was a low interest loan in addition to the grant and the loan would cover the local share.

Mr. Janku asked when construction would begin. Mr. Watkins replied construction would be done in phases. It would be done on a "pay as you go" system, so they would have to accumulate some money. Some of the initial pieces would involve improvements to Fairview to tie into the changes at the Fairview connection and round-a-bout at Worley. His goal was to try to minimize construction along the Stadium corridor itself.

Mr. Janku asked when the round-a-bout at Fairview would begin. Mr. Watkins replied they had to acquire the right-of-way and had either filed or would quickly file an order to get all of that. Mr. Janku asked if it would be within the next six months. Mr. Watkins replied he thought it would be one year.

Ms. Nauser asked if they were confident with the slowing of the economy and projected sales tax revenue that this would be adequate over a ten year period. Mr. Watkins replied the tax was a fifteen year tax, but they believed they would only need thirteen years. They provided themselves a couple of years on the back end. One of the reasons this had slowed down substantially was because they had gone back and reviewed the rate of sales tax growth. He explained the plan was to go in phases as the money became available.

Mr. Wade stated he believed this was taxpayer money. It was simply taxpayer money collected by a special taxing district created by the State versus the City. Mr. Watkins stated MoDOT money was taxpayer money as well even though it was a grant. He reiterated it was not coming from a City pot and noted \$20 million would be about one-fifth or two years worth of projects from their last ballot issue, so this was a lot of money.

Ms. Hoppe understood the parking reconstruction money was estimated at \$1 million and would be used to reconstruct the parking lot affected by the changes. She noted it seemed like a lot. She stated she was also concerned with the value of property adjacent to the parking spaces being taken. Mr. Watkins explained the entranceway to the mall would change significantly. The area near the Wendy’s building would go away. In order to accommodate those changes, they had to take parking spaces and change them around quite a bit. He noted there were provisions with several of the anchors that they received so many spaces around their building. With this plan, Sears would lose a few of those and had to be compensated. Ms. Hoppe understood the TDD money would go toward reconstructing the parking that had to be changed as a result of this. They were not using taxpayer money for additional improvements. Mr. Watkins stated they were repairing the damage caused by changing accesses to the various places.

Mayor Hindman made the motion to amend B214-08 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B214-08, as amended, was given third reading with the vote recorded as follows:
 VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B215-08 Authorizing a Cooperative and Cost Participation Agreement, Direct Loan Agreement and Promissory Note for transportation improvements to the Stadium Boulevard corridor from Broadway to I-70.

The bill was given second reading by the Clerk.

Mr. Watkins explained the cost participation agreement was similar to what they were doing with Scott Boulevard and had done with East Broadway where they worked on a State road with MoDOT funding a part of those improvements when the local group could provide a match. It was about \$9 million. There was also a direct loan agreement and promissory note. They were working with a state financing board to achieve a 3.92 percent interest rate for ten years. They would not start drawing on that money until it was needed and at that point the clock started. It would probably be a year or two before they drew from it. When they were ready to widen Stadium to six lanes was when they would likely draw that down.

B215-08 was given third reading with the vote recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

B199-08 Approving the Final Plat of Rangeline Crossing located on the west side of Rangeline Street (State Route 763), approximately 250 feet north of Smiley Lane; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding street right-of-way width.

B200-08 Approving the Final Plat of SFH Subdivision located on the southeast corner of Clark Lane (State Route PP) and U.S. Highway 63; authorizing a performance contract.

- B201-08 Approving the Final Plat of Old Hawthorne Plaza located on the northeast corner of State Route WW and Rolling Hills Road; authorizing a performance contract.
- B202-08 Vacating a sanitary sewer easement located northwest of the intersection of Smiley Lane and Rangeline Street (State Highway 763); accepting a conveyance for sewer purposes.
- B203-08 Authorizing a right-of-way acquisition reimbursement agreement with the Broadway Fairview Transportation Development District; appropriating funds.
- B204-08 Appropriating funds relating to the Scott Boulevard Phase I reconstruction project, from Rollins Road to Brookview Terrace.
- B205-08 Authorizing grant agreements with the Mid-Missouri Solid Waste Management District for the purchase of recycling balers and compactors and a self-cleaning magnet; appropriating funds.
- B206-08 Accepting conveyances for utility, sewer, drainage, temporary construction, greenspace, trail and conservation purposes.
- B207-08 Authorizing an agreement with Sho-Me Technologies, LLC for connection to the City’s fiber optic cable system.
- B209-08 Accepting conveyances for utility purposes.
- B211-08 Amending Chapter 2 of the City Code relating to the attendance policy of the Substance Abuse Advisory Commission.
- B212-08 Appropriating funds relating to public health nuisance abatement activities in Boone County.
- B213-08 Authorizing an agreement with the Columbia School District to provide crosswalk guards at Benton, Derby Ridge, Field, Paxton Keeley, Mill Creek, Shepard Boulevard, West Boulevard and Grant Elementary Schools for the 2008 summer school session; appropriating funds.
- R160-08 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R161-08 Authorizing Amendment No. 2 to the agreement with the Missouri Department of Health and Senior Services for child care health consultation services.
- R162-08 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Show Me Healthy Women Program.
- R163-08 Authorizing an agreement with the Missouri Department of Health and Senior Services for the Missouri Heart Disease and Stroke Prevention Program.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

R164-08 Officially recognizing the North Central Columbia Business District and recognizing it as the official business area organization for the area described in the by-laws of the District.

The resolution was read by the Clerk.

Mr. Watkins explained this was a request for the North Central Business District to be formed. After the legislation had been prepared, he received a call from some of the organizers and their attorney indicating they preferred to be recognized as a neighborhood association. In staff's review today, they met all of the requirements to be a neighborhood association. He pointed out there was no prohibition against an overlap in neighborhood associations and part of this would be covered by North Central. Staff had prepared a new resolution that effectively did what the applicant wanted. Staff felt the Council had three options. They could modify the existing legislation to effectively substitute the new one for it and approve it, they could table both pieces until a date certain, or they could modify the existing piece of legislation by substituting it with the new one and tabling it to a date certain. He noted Mr. Janku suggested they read the new piece so people knew what was being proposed and then table it to the next meeting. He reiterated they had met all of the requirements for a neighborhood association and could not find anything that would prohibit this neighborhood association from being formed.

Mr. Skala understood that within the rules of neighborhood associations, the two could overlap, so the North Central Neighborhood Association would have some people in this special district. Mr. Watkins stated that was correct and noted they currently had overlapping between North Central and Douglas. Mr. Janku pointed out there had been other examples in the past. Mr. Skala asked if that presented a predicament with some people being counted twice when testifying on a piece of legislation. Mr. Watkins replied it could.

Mr. Janku thought that had happened with two neighborhood associations along Broadway. He believed it involved the Old Southwest. Mr. Wade stated he thought the boundary was changed so the Old Southwest no longer included the other area. Mr. Watkins agreed they had changed their boundaries so there was not an overlap.

Mr. Wade stated he was prepared to substitute the new resolution and consider it tonight rather than tabling it. Mr. Sturtz commented that he had reservations with regard to them voting on this when the neighborhood association was not told of this change. In addition, the Council had only heard of the change prior to the Council meeting. He reiterated he felt uncomfortable since there was not proper notification to the neighbors of the change. Mr. Wade stated he understood.

Mayor Hindman asked if he wanted amend it, so people would know what the amendment would be. Mr. Boeckmann stated that if they wanted to change it to what the applicants were originally requesting, they would need to delete the first whereas statement, add the two standard whereas clauses used for neighborhood organizations and change the title and Section 2 to recognize it as an official neighborhood organization instead of the official business area organization. Those changes would change it from a business organization to a typical neighborhood organization. Mr. Sturtz stated he wanted to table the resolution. Mayor Hindman noted this would allow them to do that with the proposed amendment.

Mr. Sturtz made a motion to amend R164-08 by deleting the first whereas statement, adding the two standard whereas clauses used for neighborhood organizations and changing the title and Section 2 to recognize it as an official neighborhood organization instead of the official business area organization. The motion was seconded by Mr. Skala.

Larry Grossman, 3205 W. Creek Circle, stated he was the Vice-President of the proposed new Association. He explained they had applied to be a neighborhood association. They had never heard of a business association. They preferred to be a neighborhood association and not a lesser designation. At some point City staff changed this to the business designation. They had not changed it. He reiterated they wanted to be a neighborhood association and had a fair amount of support. He noted 136 of the 184 property members had signed on to be part of this neighborhood. It included 74 percent of the total land owners within the district they had defined and 84 percent of the square footage. The people that had agreed to be part of the neighborhood association did not know what a business district was and had applied to be part of a neighborhood association. He thought these percentages were a significant portion of the neighborhood and asked the Council to consider granting their wish in a timely manner. He stated this should have been on the Consent Agenda in the way they had proposed it, but staff made some changes to cause it not to be. He noted they had put in a great deal of work into getting to the point of forming the neighborhood association and pointed out there were some issues coming up between now and the next Council meeting on which they wanted to comment as an association.

Mr. Sturtz stated his wanting to table the item was not a comment on the viability of the neighborhood association or district. It was strictly procedural in wanting to let everyone in the neighborhood know about the wording of it before proceeding. Mr. Grossman asked if he was speaking of their neighborhood. Mr. Sturtz replied he was referring to the North Central Neighborhood Association. Mr. Grossman explained their neighborhood never knew there was another type of neighborhood. He asked the Council to approve this item tonight. He felt they qualified as a neighborhood association and it was reasonable for the Council to approve this so they would have that standing within the next few weeks.

Ms. Nauser stated she concurred with the speaker if this was something that was changed. She asked if they had received notification from the staff this had changed.

Phebe LaMar, an attorney with offices at 111 S. Ninth, stated there was discussion prior to the actual staff report being written, but they were not completely certain as to what it was going to say prior to the time it was released.

Ms. Nauser noted the public had been notified that this issue was coming forward and it included the boundaries, etc. She felt they should vote on it tonight.

Mr. Skala thought it was unfortunate that it had been changed and regardless of the attribution, it was a changed document, so they were faced with the change. The decision to ensure the public had a chance to review this was something this Council stood for and was a legitimate point of view. He commented that he did not want these representatives to be penalized in any way if there was an issue. He did not want this name change to make them ineligible to have the full voice of a neighborhood association that they would normally have if there was an issue on the next agenda.

Ms. LaMar explained this neighborhood organization was strenuously opposed to the overlay district that was coming up on the Planning and Zoning agenda. They wondered whether they would be faced with being told they were not present and/or did not speak at the Planning and Zoning Commission meeting and having that held against them when they attended the August 18, 2008 Council meeting. Mr. Skala stated he was suggesting he did not want that kind of penalty. Ms. LaMar commented that if they could all agree there would be no penalty associated with the fact they might not have a voice, they would have less of an issue with this item being tabled even though they would like to see it move forward. She did not want a situation where they would not be heard for not speaking at the Planning and Zoning Commission meeting. Mr. Skala stated he did not believe they could be held to that if they were not responsible for the change in the first place. Mr. Wade pointed out he thought they could speak on July 24, 2008 and suggested they simply state the conditions under which they were speaking as an organization. Mr. Boeckmann understood the organization existed. Before the Council was the recognition of the organization so they received notice of items.

The motion made by Mr. Sturtz and seconded by Mr. Skala to amend R164-08 by deleting the first whereas statement, adding the two standard whereas clauses used for neighborhood organizations and changing the title and Section 2 to recognize it as an official neighborhood organization instead of the official business area organization was approved unanimously by voice vote.

Mr. Skala made a motion to table R164-08, as amended, to the August 4, 2008 Council meeting. The motion was seconded by Mr. Sturtz and approved unanimously by voice vote.

R166-08 Authorizing an agreement with Thumper Productions, LLC relating to the 2008 Roots N' Blues and BBQ Festival.

The resolution was read by the Clerk.

Mr. Watkins explained this was an agreement between the City and the organization putting on the Roots N' Blues festival this fall. The Council was being asked to authorize this agreement, which included street closures in the downtown area, allowing the possession and consumption of alcoholic beverages on certain streets and approving a signage plan. There was also an agreement that was different from last year where the City would provide certain services, such as clean up, refuse collection, etc. for a fixed price.

Ms. Hoppe asked if they were providing extra bus transportation from outer spots to eliminate car traffic. Mr. Watkins replied he would have to defer to their representative.

Tracy Lane, 2806 W. Rollins Road, stated she was the Director of Thumper Entertainment and noted they did not have plans at this time to bus people in from outer areas. It did not mean they would not, but it was not currently in the plan. She pointed out all of the City parking garages would be available and accessible to the public.

Mr. Sturtz asked if they had a total of the number of parking spaces downtown to include the garages. Ms. Lane replied she did not have that information with her. Mr. Janku thought The District advertised 5,000 spaces.

Ms. Hoppe thought a bus going down Broadway from the east to the west could avoid a lot of congestion because it would allow people to park further out. Ms. Lane stated they could discuss it.

Mr. Janku suggested more bike facilities as that would be helpful as well. Ms. Lane stated she attended The District meeting last week and they had discussed placing bike racks in strategic areas. She understood Cycle Extreme was very interested in promoting it for them. She had also been in discussion about setting those up with GetAbout Columbia.

Mr. Sturtz stated Ms. Amin looked at The District website, which indicated 5,900 spaces were available. Ms. Lane noted they were in the negotiation phase of working out agreements for some privately owned lots as well.

The vote on R166-08 was recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R167-08 Naming the 140 acre Philips tract as the “A. Perry Philips Park” and the 340 acre Crane tract as the “Gans Creek Recreation Area.”

The resolution was read by the Clerk.

Mr. Watkins explained this was follow up to a report from the previous Council agenda. The Parks and Recreation Commission had recommended naming the Philips area as the A. Perry Philips Park and the Carne property as the Gans Creek Recreation Area. If approved, this resolution would officially name those two properties as discussed.

The vote on R167-08 was recorded as follows: VOTING YES: STURTZ, JANKU, SKALA, WADE, NAUSER, HOPPE, HINDMAN. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

- B216-08 Rezoning property located north of the intersection of East Ash Street and North Fourth Street (313 East Ash Street) from M-1 to C-2.**
- B217-08 Authorizing Change Order No. 1 with Kevin Rackers Excavating, L.L.C.; approving the Engineer’s Final Report relating to construction of the West Boulevard/Marygene Street storm drainage improvement project.**
- B218-08 Authorizing Change Order No. 1 with Lehman Construction, L.L.C.; approving the Engineer’s Final Report relating to construction of the EP-3 Trunk Sewer, an 80-acre point sanitary sewer serving the Hatton Farm property.**
- B219-08 Authorizing a right of use permit with United Parcel Service to allow placement and maintenance of a drop box in right-of-way located at 700 Cherry Street.**
- B220-08 Authorizing a right of use permit with Jerry Carmichael to allow maintenance of a deck within a utility and drainage easement located on Lot 218 in University Park Addition 14.**
- B221-08 Authorizing the acquisition of easements for construction of the Clear Creek Pump Station and Force Main improvement project.**

- B222-08 Amending Chapter 27 of the City Code as it relates to water service line tap fees for sprinkler systems.
- B223-08 Accepting conveyances for utility purposes.
- B224-08 Authorizing an agreement with the Columbia Chamber of Commerce relating to the Walton Building renovation project; appropriating funds; transferring funds.
- B225-08 Appropriating donated funds for youth programs and scholarships in the Parks and Recreation Department.
- B226-08 Appropriating donated funds to purchase uniforms for the Park Patrol Program, Youth in Action Program and Columbia Aquatic Restoration Project through the Office of Volunteer Services.
- B227-08 Accepting a donation from the Boone Electric Community Trust through the New Century Fund for a planned teen pregnancy prevention program provided by the Health Department; appropriating funds.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Mayor Hindman noted this report was provided for informational purposes.

(B) Street Closure Requests.

Mr. Janku made the motion to approve the street closures as requested. The motion was seconded by Mr. Wade and approved unanimously by voice vote.

(C) Downtown Planning Topics – Storage, Balconies, Alley Names and Maintenance.

Mr. Watkins stated these were three topics the Council requested the Planning and Zoning Commission review. Recommendations were provided without specific legislation being proposed. If Council wanted them to move in that direction, a motion directing staff to prepare the appropriate legislation reflecting the Commission’s recommendations was appropriate.

Mr. Janku noted the information regarding balconies discussed more comprehensive downtown building standards that included but were not limited to balcony standards and asked if they should handle the balcony standards or if they should wait for the comprehensive standards. Mr. Watkins replied the balcony standards were in effect for one year, which was coming up, but explained they could continue what they were doing while they waited for the comprehensive standards. He pointed out some of that had been assigned to the Downtown Leadership group. He presumed those recommendations would have to go through the Planning and Zoning Commission as well, so two groups would need to review and comment on them. By that time the current standards would have gone away. Mr. Janku understood they would have to renew the temporary standards or come up with something more permanent. If they did not want the Council involved, he thought they should develop standards instead of waiting on the Downtown Leadership group to come up with a comprehensive plan.

Mayor Hindman asked for clarification on the temporary standards. Mr. Watkins replied a right-of-use permit was needed and it had to come to Council for approval.

Mr. Janku suggested they develop standards. He noted they could always be reviewed later as part of the comprehensive plan. Mr. Watkins suggested they direct the Planning and Zoning Commission to come up with specific criteria for Council review.

Mr. Skala stated he was intrigued by the suggestions of the Planning and Zoning Commission with regard to labeling the alleys. He thought it was a good idea in terms of the letter values and designations for east and west and north and south because they could still have a historic name designation after some thought by the public and the Historic Preservation Commission.

Mr. Wade stated he agreed with Mr. Skala in that a specific letter designation would work. At the same time, they could come back with a theme that was reflected in Columbia's history for the alleys. He thought the official naming of the alleys by letters should be a recommendation from the Planning and Zoning Commission, so it should be referred back to them for a specific naming recommendation. Mr. Teddy stated they probably needed to be prepared before going to a public hearing because the naming of streets required certified mail notices and there were many 25 foot segments along the alleys representing different property owners. He explained they told them the proposed names and sometimes included optional other names being considered. Mr. Wade thought it would also be appropriate to ask the Historic Preservation Commission to develop the proposal for alley themes and designations for each individual alley within those themes. He wanted to ensure they allowed for public participation in their process. He noted he did not think they needed to be dealt with together because the historic portion would be a longer process. Mayor Hindman agreed it would be a good idea to move forward with naming the alleys with letters, so people who wanted an address could obtain one.

Mr. Wade made a motion directing the Planning and Zoning Commission to make a specific naming recommendation for the alleys. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Wade made a motion directing the Historic Preservation Commission to prepare a report identifying the alleys by themes within Columbia's history and identifying the individual alleys of people or events within those themes by historic name. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

Mr. Janku asked if they wanted a report from staff regarding some of the maintenance issues, such as snow removal and other public issues.

Mr. Janku made a motion directing staff to provide a report regarding the public issues mentioned in the report. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku made a motion directing the Planning and Zoning Commission to develop standards with regard to balconies. The motion was seconded by Mr. Skala.

Ms. Nauser asked if they needed to extend the sunset period. It was up in October of 2008. Mr. Janku suggested they do it only if the Planning and Zoning Commission could not act that quickly and that they should find out from them as to how long it should be.

The motion made by Mr. Janku and seconded by Mr. Skala directing the Planning and Zoning Commission to develop standards with regard to balconies was approved unanimously by voice vote.

Mr. Janku made a motion directing staff to prepare an ordinance in accordance with the recommendations by the Planning and Zoning Commission with regard to downtown storage and that it be reviewed for comment by the Building Construction Codes Commission. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(D) Reducing Duplication in Zoning Hearings – Proposed Rules for Consent Agenda Voting.

Mr. Watkins explained the Planning and Zoning Commission was recommending a proposed amendment to the zoning ordinance that would make recommendations approved by the Commission with no more than two dissenting votes eligible for the consent agenda at Council meetings. He commented that he saw a practical problem, but thought it could be overcome. If they had an item on the consent agenda that had only received one dissenting vote and Council elected to take it off of the consent agenda because someone came forward to talk because something had not been previously considered, he wondered how they would notify people of the hearing. He noted the applicant and their lawyers and engineers needed to be present as well. He thought this could be handled and noted the Charter indicated everyone had the right to speak. Mr. Wade stated he thought the solution would be to add wording to item (c) of the report indicating anyone wishing to remove an item from the consent agenda had do so by 5:00 p.m. Friday before first reading. Mr. Wade thought that would allow time for the advertising of the public hearing. Ms. Amin stated the notice would need to be sent to the newspapers prior to then. Mr. Boeckmann pointed out it would not have to be a public hearing. It could be an old business item. He explained a public hearing would have been held at the Planning and Zoning Commission meeting and the statute only required one public hearing, so it could be pulled off of the consent agenda and placed under old business. Mr. Wade thought it still needed to be done in a way where there could be notification and suggested a deadline of some sort. Mr. Janku felt that was awful early. Mr. Wade agreed. He noted he had initially suggested that deadline due to the advertising of the public hearing, but since it could go under old business, they just needed to be able to notify interested parties. He suggested a deadline, which would allow staff a couple days for notification.

Mr. Janku commented that he believed the Crosscreek vote was 6-2, so it would have qualified for the consent agenda under this standard. He stated he liked to expedite things as well, but felt it could get messy and gave the example of a constituent calling at the last minute with a real problem. He felt it would take away the ability of someone to participate in the process.

Mr. Wade stated he was quite comfortable with items going on the consent agenda with zero or one negative votes as opposed to two negative votes. He felt two dissenting votes sent a different message. He commented that he did not understand the problem of having a deadline for removing an item from the consent agenda that was different than 7:00 p.m. of the night of the Council meeting.

Mayor Hindman thought there was a significant difference. He noted people, right or wrong, tended to wake up to what was happening at the last minute. They tended to not

follow these things and that was just human nature. He felt they would run into problems. He thought it would be tough to say it had to be taken off of the consent agenda by a certain time because over the weekend things could stir up and they would be unable to take it off of the consent agenda. He felt it would make a difficult situation. He agreed it was likely it would be rare, but believed it would happen. The other side was the problem Mr. Watkins raised of someone pulling it off of the consent agenda at the last minutes with no one there to defend the application. He felt it was a paradox.

Mr. Wade stated he did not see a paradox. It would be a month since the Planning and Zoning Commission would have passed it. They just needed to make the rules clear. It would be under introduction and first reading two weeks after the Planning and Zoning Commission meeting. He thought they could indicate it would be on the consent agenda unless removed by a certain time. He did not see a dilemma.

Mr. Skala commented that he was conflicted. He thought someone could call him and bring something to his attention that he had not thought of before and pulling an item off of consent when no one was there to represent themselves was a problem. He did not think it would happen very often, but he was not sure how much time they would save themselves by having the deadline. One way or another, they would be restricting themselves.

Mr. Wade felt the natural thing was to use the same set of rules they had for someone addressing them at the beginning of a Council meeting, which was by a certain time on the Thursday prior to the Council meeting. He did not see why the same process and requirements would not work to pull an item off of the consent agenda. Mr. Janku thought the proponent might want engineers, staff, etc. to support the application and that might be too late to get organized. He asked how long they spent on B197-08, which was the first item on the agenda. It was a non-controversial and there was no testimony so it did not take a lot of time. He did not think it would save them much time to place those items on the consent agenda. He commented that if they were going to establish "objective standards" for placing items on the consent agenda, he was not in agreement with the two vote rule. He thought any staff report in opposition should be considered as well as someone who spoke in front of the Planning and Zoning Commission. He reiterated he was not sure how much time it would save. Mr. Wade felt one savings was the efficiency of the Council meetings and that would vary. The second savings would be to all of the participants in the Planning and Zoning Commission meeting process and those savings were substantially large for the development community due to a requirement that added no value to the community and for staff that had to duplicate work. He felt this was simply the first step and thought they needed to improve the quality of their entire process. He noted this was a recommendation that was strongly supported by a stakeholders group, which included developers and neighborhood activists. If it went through the public hearing process starting with the Planning and Zoning Commission, they would find out how the groups felt and whether there were problems.

Ms. Nauser suggested a disclaimer or statement be made at the Planning and Zoning Commission meeting indicating any decision made, if passed unanimously or with one person in opposition, would automatically be placed on the Council's consent agenda and as a member of the public, they could ask for it to be pulled off of the consent agenda by following the established rules. She noted it put some of the responsibility on the public and

the Council to review the items under introduction and first reading more thoroughly. She thought they should try it. She agreed it might only save five minutes for the Council, but it would save more time for the others involved in the process. She did not think they should defeat it before it was even tried. She thought they owed it to the individuals that spent time and effort in providing these recommendations to give it a try.

Mr. Wade commented that this would have two public hearings before they ever voted. Mr. Janku asked for clarification. He thought it would only go before the Planning and Zoning Commission. Mr. Wade explained he was referring to these changes as they would also come before the Council. Mr. Janku commented that democracy was not one of the most efficient processes, which was one disadvantage to it. Mr. Wade felt they needed to let democracy have its say and that was not being done if they did not let it go through the process of considering the change.

Mayor Hindman understood Mr. Wade was suggesting they ask staff to propose amendments. Mr. Wade thought the Planning and Zoning Commission should develop the ordinance, hold a public hearing and provide a recommendation.

Mr. Janku suggested the standards be changed. He thought anyone who came before the Planning and Zoning Commission should have the right to come before the City Council without making an additional request. In addition, if staff expressed opposition, he thought the Council should discuss the issue without putting it on the consent agenda.

Mayor Hindman suggested they ask the Planning and Zoning Commission to prepare an ordinance with his suggestions being considered as potential amendments as this was the work of a committee that had thought about it long and hard.

Mr. Janku asked when Mr. Wade suggested a request would have to be made. Mr. Wade replied he suggested it be time specific, but thought the Planning and Zoning Commission should consider whether they wanted to add it because they might decide against it. He thought they should consider the comments of the Council to decide whether they wanted to make additional changes for the public hearing. Based upon the public hearing, they would have the prerogative to make further changes before a recommendation was made to the Council.

Mr. Wade made a motion directing the Planning and Zoning Commission to develop a proposed ordinance with recommendations for Council consideration. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

(E) Protocol for Council Requests.

Mayor Hindman noted this report was provided for informational purposes.

(F) Oakland Park Name.

Mr. Skala stated he had spoken to one of the heirs of the Paul Albert family and was not able to get back in touch with him to ask him about this particular report. He thought the report had a lot of merit in naming it after Paul Albert's mother. As long as he had been here, which was about 30 years, the thought it had always been referred to as Albert-Oakland Park. He thought there was some merit to keeping that. He also felt it was like the A. Perry Philips Park and Gans Creek Recreational Area situation. He commented that he had always

known it as Albert-Oakland Park and thought there had been a sign indicating it was Albert-Oakland Park. Mr. Hood explained they had different signs in different areas of the park and there was still one sign that said Albert-Oakland Park.

Mr. Janku stated he liked the suggestion of the separate names on the two different tracts. It was consistent with their policy with regard to property being donated being able to be named after the donor. In addition, it addressed the rest of the property, which was publicly acquired. He thought this was an appropriate way to deal with it as it gave the appropriate recognition. He pointed out the shelters in the park also needed to be named and was hopeful they could begin that process. He reiterated he thought the idea of two separate tracts was appropriate due to their policy in terms of acquisition versus donation.

Mr. Janku made a motion directing staff to proceed as recommended by recognizing the 20 acre tract donated by the Albert family as the “C.M. Albert Memorial Park” and the remaining 61.5 acres as “Oakland Park.” The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(G) Taser Protocols and Training.

Mayor Hindman understood they received something from GRO. Mr. Skala stated they were proposing a resolution to look into some of the issues before the deployment of the new tasers.

Mr. Skala assumed the tasers had been purchased since the Council gave them permission to go ahead with the grant. Chief Dresner replied they had already received them. Mr. Skala asked if they had been deployed and if there was a training program in place for the new officers. Chief Dresner replied they had not been deployed, but the training program had been set for September for the new officers as well as for recertification for the existing tasers.

Mr. Skala stated he was happy to receive the report despite the fact individuals at the GRO meeting had it before it was provided to the Council. He commented that he recalled asking for a couple of other items to include the training procedures with regard diversity training, etc. Mr. Watkins stated they were working on that. They felt the taser issue was extremely timely and wanted to get a response to the Council. Mr. Skala noted there were a lot of resources on the International Association of Police Chiefs website to include policies of various communities. Many were similar to what was in the report, but some were quite different. One difference in policies was the limitation of two applications for the stun function, which caused more pain than the barbs, but no such limitation on the number of applications when the barbs were deployed. There were also differences in how the old and young were defined. He commented that he appreciated the fact the Police Department had a real problem because they were not psychologists and did not have x-ray vision in that they could not see if a young woman was pregnant, etc. He understood the report mentioned eight hours of training for recertification, but the body of the document mentioned six hours in places as well, so there appeared to be some inconsistencies. He pointed out he was a defender of these as he thought they were legitimate. There was abuse of the police by people that wanted to use this as an emotional issue, but there was also abuse by the police in some cases, which he thought should be eliminated or limited to the extent possible. He

thought they needed to take a closer look at some of the policies in comparison to some of the other resources that were available. He wondered whether this was something they should ask staff to do or if they needed to find someone with more expertise. Mr. Watkins stated he had full confidence in staff to provide whatever information he wanted.

Mr. Skala made a motion directing staff to prepare a report with further clarification and/or recommendations with regard to how the City's policy stacked up against other communities. Mr. Watkins asked if he had suggestions on one or two he thought were particularly good. Mr. Skala replied yes and stated he would provide those suggestions to him. The motion made by Mr. Skala was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe commented that she had read through this and had a variety of questions in terms of the meaning of words, etc. and stated she would submit some of her questions to Mr. Watkins for answers. Mr. Watkins stated that would be fine. He thought he and Chief Dresner could meet with her to address some of her questions.

Ms. Hoppe wondered if the public could be present when training was done so they could see what was involved because she felt a lot of this was important in terms of public understanding and confidence. Mayor Hindman noted the Citizens Police Academy, which was something he attended, was very good and was available to the public. All one had to do was sign up. People who attended would find out a lot about the Police Department. He thought they could ensure taser training, education and practices were part of the curriculum, so people who were interested, could sign up and attend the Academy. He commented that his experience with the Citizens Police Academy was that if they only looked at something from one point of view, such as the taser issue, one would not get a full picture of the issues. He thought people needed a general picture of police training, the recruitment process, the problems they faced, the decisions they were forced to make, etc. He suggested they encourage people interested in those issues to sign up for the Academy. They could make tasers part of the curriculum. He recommended the Council attend the Academy as he walked away with a new appreciation for the issues that faced police. He noted it did take some time. Chief Dresner stated it was a ten week program. Mayor Hindman wondered if it could be trimmed for people who were primarily interested in tasers.

Mr. Skala thought that was a good idea. He noted that if the GRO meeting was any indication, there was a tremendous amount of misinformation that people spoke to that could not be corrected because everyone had three minutes to speak.

Ms. Hoppe stated she would be interested in knowing if other police departments phased in the use of tasers for new officers when they received the information on what other police departments were doing. Mr. Skala noted the officers of the Columbus, Ohio Police Department were trained and ready when they graduated. Mr. Janku thought that if they were going out on a beat, they would not want to send someone who was less prepared. Mr. Skala agreed and stated they could not unilaterally disarm the police in the face of taser parties. He noted the company that made tasers were selling X-26 tasers in pastel colors and having taser parties so civilians could be armed and they would have no training. Mr. Wade pointed out they also had a more powerful jolt.

Mr. Wade understood some police departments had a video of all tasing incidents. Chief Dresner replied there was an add-on to the taser manufactured by Taser International that had a camera attached to the bottom of the taser. They had one for trial purposes, but did not issue the cameras with the tasers because they were very expensive. They had night vision and sound capability. Mr. Skala understood all tasers recorded every time they were deployed and the extent to which they were deployed. They did not know the duration though. Chief Dresner explained every time the trigger was pulled, the date and time was recorded. It was not alterable by the Police Department. Mr. Wade commented that for communities that required it, video data would be available that documented the appropriateness or inappropriateness of the use of the taser at that time. Mr. Janku understood every taser incident was investigated. Chief Dresner stated every use of force involved a mandatory review regardless of what was involved in the use of force.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions.

AIRPORT ADVISORY BOARD

Riddick, John, 602 Rollins Court, Ward 4, Term to expire May 16, 2011

BICYCLE AND PEDESTRIAN COMMISSION

Ahrens, Greg, 1504 Sylvan Lane, Ward 3, Term to expire July 31, 2011

Hibbs, Robert, 650 Huntridge Drive, Ward 6, Term to expire July 31, 2011

Walthall, Christine, 1000 Wayne Road, Ward 5, Term to expire July 31, 2011

BUILDING CONSTRUCTION CODES COMMISSION

Connell, Brian, 3050 I-70 Drive Southeast, Ward 4, Term to expire August 1, 2011

Creasy, Jay, 911 W. Rollins Road, Ward 4, Term to expire August 1, 2011

Miller, Erik, 3619 Southland Drive, Ward 6, Term to expire August 1, 2011

Peterson, Adam, 1201 Old Highway 63, #501, Ward 6, Term to expire August 1, 2011

Shanker, Richard, P. O. Box 10202, Ward 6, Term to expire August 1, 2011

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Mr. Sturtz stated one of his constituents was asking for a crosswalk at Walnut and Orr. There was a big parking lot on the south side of the street and people were crossing over to the Orr Street area.

Mr. Sturtz made a motion directing staff to provide a report regarding the feasibility and cost of placing a crosswalk at the intersection of Walnut and Orr. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Sturtz noted another constituent indicated there were some shortcomings to the chronic nuisance property law because it was written in a way where the presence of chronic offenders who were arrested on warrants did not count against the property owners. He felt it was a weakness and limited the effectiveness of reducing chronic nuisance violators.

Mr. Sturtz made a motion directing staff to provide a report evaluating the chronic nuisance property law in regard to property owners not being affected when chronic offenders were arrested on warrants on their properties and proposing ways to make the law more effective. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku commented that in their meeting with the Planning and Zoning Commission a couple weeks ago, an issue regarding funding to do the area study had been brought up and he did not think they had ever acted. He thought they had discussed providing a couple thousand dollars from the Council contingency fund to authorize expenses for notices, postage, etc.

Mr. Janku made a motion directing staff to prepare legislation for the appropriate amount needed by the Planning and Zoning Commission from the Council contingency fund for the notices, postage, etc. for the area study for Council consideration. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

Mr. Janku stated he was contacted by a constituent who was familiar with City government and had expressed frustration about not knowing which City office to contact about the different nuisances. Weeds, cars on the street without a license, cars in the driveway, etc. affected different departments. One of his frustrations was that when he contacted one department and it was not their responsibility, they were not always effective in getting him to the right department. He wondered if there was a centralized, effective way to advertise one number for all nuisances so they could be referred to the correct department. He commented that even as a Council Member, he did not know which department to contact from time to time. He did not think it needed to be a 24-7 311 number, which was a number used in Chicago for citizens to call whenever they had a problem, because it was quite expensive.

Mayor Hindman stated he was for any way to solve the problem because it was a problem. He commented that he thought things had improved and wanted to give the City Manager credit. When a complaint worked its way up to the City Manager's Office, it received a tracking number. It did not disappear. Although things were better, there were still some difficulties.

Mr. Wade understood the City had put on its website the opportunity to file a complaint and asked if there had been an analysis of how that was working. He wondered about the effectiveness of getting that to the right place with some action being taken. Mr. Watkins replied they were working on a checklist of the more common complaints received where one would be available to file it on the web by checking the appropriate item, such as weeds, junk cars, etc. The complaint would then go to the appropriate department. Mr. Wade asked if they would be assigned a tracker number. Mr. Watkins replied the tracker number was issued by Ms. Rhodes. He thought they might be able to come up with a different tracking system. He did not want to combine the two systems.

Mr. Janku suggested a report be provided regarding the system being developed or other systems to address the issue of reporting nuisances to include how it would be tracked and how a response would be provided.

Mayor Hindman noted people could also contact their Council representatives for action or follow up.

Mr. Janku commented that over the last couple of months, he had brought up sidewalks he thought were developer responsibilities. He asked if there was a list or record of those and if not, he would resubmit them. Mr. Watkins suggested he provide a list. Mr. Janku stated he would provide Mr. Watkins a list by e-mail.

Mr. Janku thought in the past they had received a list of sidewalks that were being improved each summer which involved a developer responsibility or was a sidewalk gap. Mr. Watkins noted there was a gap program. Mr. Janku thought it would be helpful to have that list, so he could provide ones that were not already on there. This would allow the Council to let staff know of locations with gaps they felt should be addressed.

Mr. Janku stated he thought it was great that Waco Road was receiving a new sidewalk for the new school, but Oakland Gravel had a school for a long time and still needed sidewalks. Mr. Watkins stated the Waco sidewalk was part of a developer agreement where the developer put the street in and the City agreed to put the sidewalk in.

Mr. Skala commented that when he campaigned in Eastland Hills, it was brought to his attention that they needed speed humps on the main street in Eastland Hills. He thought he had brought it up and an answer was forthcoming. He wondered what the status was. Mr. Watkins stated he would check. He pointed out there was a long list of traffic requests and they only had one traffic person who handled those items in addition to normal reviews, so it was a slow process.

Mr. Wade commented that he had been present for many formal and informal conversations, presentations, and deliberations with regard to GetAbout Columbia over the past two years and that these discussions had increased in number and decibels over the last couple of months. He stated they were talking about a network that would become a second road system for Columbia. In general, it was positive and he was supportive of it, but he felt it had been developed and presented to the general public in what was preserved as top-down process. Public perception was that there was relatively little general public involvement in the early stages and they saw themselves as being involved primarily in a reactive mode with responses to segments of proposed projects after plans had been made. He felt the public perceived the plans to have been made by a relatively small group of people with special interests and a lot of the problems came from that. In addition, there appeared to be far less of a broad-base of public support for the second road network than there were for the recreational trails developed in the past. If they were to expect public acceptance and support of this proposed network so they would be able to build it out over the many years ahead, they needed to increase public involvement at meaningful points in the process. He believed the Bicycle and Pedestrian Commission, a Council appointed body formed to address these issues and charged to advise the Council on issues related to sidewalks, walkways and trails, seemed to be pushed to the sidelines in the GetAbout Columbia development and presentations. This appeared to be another aspect where

informed citizen-based input had been sidestepped in the project planning and proposals. He personally felt he did not have the benefit of an objective analysis by the Bicycle and Pedestrian Commission. To address these perceptions and concerns of the general public, he thought they needed to develop a clear set of criteria to guide their deliberations in building the second road system in the future. He thought it was clear that this was a new and positive component of Columbia's infrastructure that would be a part of the City's future. This would need to include definitions of terminology, identification of different types or roadways and design criteria for roadways based on considerations for geography and land type. He pointed out that what he was saying was not meant to affect the decisions they would make in the next few days and weeks. He noted he would provide a motion for Council to consider at its next meeting with regard to a proposal to begin developing criteria and guidelines for policy decisions and would have it available to members of the Council ahead of the meeting. The decisions they needed to make now would begin with the meeting tomorrow night and the efforts would proceed as the decisions so indicated. He stated it was clear to him it was important to develop a policy that was community grounded for future decisions, so they would have the community basis to provide the ability to actually complete the network as they envisioned for the well being of the community.

Ms. Nauser provided an aerial photograph of Grant Lane and noted a constituent that was concerned they might lose their no parking on Grant Lane. They had obtained signatures of neighbors who wanted to make sure there was no parking there. Apparently, Grant Lane was about a 29 foot wide road and all of the other streets in the area were 32 feet wide or wider. They were bringing this forward to maintain no parking along their street.

Mayor Hindman asked if there was some kind of movement for parking on the street. Ms. Nauser replied there could be, which was why they were concerned.

Ms. Nauser referred to the Thornbrook and Millcreek water main break and noted this was not the first time the water main had broken in the area. If her memory was correct, it had broken at least three or four times in the past two years, so she wanted a report detailing the problem, how to resolve it and the estimated cost to resolve it. She commented that as more people moved into the area, there would be a higher demand on that water line.

Mr. Janku asked if it could be included as part of the ballot issue. Mr. Watkins replied they had planned to include it. He pointed out it was in the closed loops category, so they would find it if they looked for that specific project. He noted it was a bit of a change because, normally, the City would build this project or allow developers to build it, but his direction to staff was to build it and have a special tie in fee for reimbursement. He did not think they could wait for development to fix the problem.

Ms. Nauser asked if she could still be provided a report. Mr. Watkins replied staff would provide a report, so Council could see the specifics. Ms. Nauser noted there was quite a bit of development out there already. Mr. Watkins agreed and pointed out there was a lot going, so he thought it was reasonable to assume the City would get a good part of the money back reasonably soon.

Ms. Nauser stated she had a letter from a constituent with regard to native grasses in buffer areas and whether it was a weed or native plant. She commented that she was a proponent of native plants and had a native plant garden herself. They were essentially weeds that grew in the field, but when planted in a nice orderly fashion they became a flower garden. The constituent had planted over 100 small trees in an area that had wildflowers between a street and the retaining wall and had received a weed violation notice.

Mayor Hindman asked if they had to cut down trees. Ms. Nauser replied they had to cut down the grass and flowers, but she did not know how they could mow around 100 trees. Mr. Janku asked if they spoke to the weed inspector. Mayor Hindman thought there was an exception for that. Ms. Nauser did not know if they were aware of the exception because she was not aware of it. With water prices increasing, she thought they might see more native areas in yards as a natural landscape. She wanted staff to look into how to address these issues for the future. She noted it was not a pressing issue.

Mr. Janku noted he had a constituent in the past who had received a complaint because of an area with wildflowers in her front yard. When she talked to the inspector, they waived the complaint. He suggested they talk to the inspector.

Ms. Nauser made a motion directing staff to prepare a report regarding weed notice violations with regard to native plantings as this would be an issue the future. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Ms. Hoppe commented that within the last month the Council had discussed the stealing of recyclable bags for aluminum, which the City relied on to pay for the recycling program. She noted it was a more prevalent problem versus an isolated incident. She noted she would limit it to recyclable bags and black garbage bags because constituents had contacted her regarding good recycling going on in terms of chairs and other items placed on the curb.

Ms. Hoppe made a motion directing staff to prepare an ordinance making the stealing of recyclable and garbage bags a violation subject to a fine.

Mr. Wade stated it appeared someone in his ward was picking up garbage bags instead of recyclables and the concern was how to stop that due to the issues of identity theft.

The motion made by Ms. Hoppe directing staff to prepare an ordinance making the stealing of recyclable and garbage bags a violation subject to a fine was seconded by Mr. Wade and approved unanimously by voice vote.

Mr. Boeckmann understood they would allow people to take paper products, but not the blue or black bags. Ms. Hoppe thought those should be included as well.

Mr. Skala stated he received an e-mail from a constituent criticizing the fact someone was criticizing them for taking the blue bags because some of people who did not have any income needed the aluminum. Ms. Hoppe thought they would need to bring back the deposit ordinance in that case.

Ms. Hoppe felt there was an interest in the community in having bags made of cornstarch versus oil and understood they were more expensive. Mr. Watkins did not think the issue was the expense. He understood they had a short shelf life and tended to fall apart. Ms. Hoppe commented that her thought was to give citizens a choice to pay extra with their

vouchers to get that type of bag, but she had not been aware of the durability issue. Mr. Watkins noted they had not yet found a cornstarch-based bag that could hold up.

Ms. Hoppe stated there had been an abandoned and unlicensed truck in front of her house for two weeks. They reported it after a week, but nothing had happened. She wondered what the timetable was for the City to follow up on these types of concerns. Mr. Watkins noted it should not take two weeks.

Ms. Hoppe commented that she had taken a tour of the Crosscreek property with a reclamation expert and there was a massive amount of silt for hundreds of feet. They sunk over a foot into the silt right at the edge of the creek. Rocks had also been covered with silt. She thought it would be educational for the Council to take a field trip to the site to see all of the failed fencing with some being completely buried and the decomposed straw covered with silt. There were multiple failed attempts to control the silt. She thought it would be beneficial for them to take a field trip with a couple experts to show them what could go wrong and what needed to be done. She felt this would give them a better idea of what they needed to do in terms of land disturbance, construction and inspections. She thought they might need fines or other disincentives for people who had one failed attempt after another versus those who did it right the first time.

Mr. Skala stated he would be interested in the field trip. Mr. Sturtz suspected it would look very similar to what he saw a year ago. Mayor Hindman thought they would all like to tour the site with an expert and believed staff should attend as well. Mr. Watkins stated he thought that would be a good idea. Mayor Hindman noted it would be a few weeks before he was available, but would like to do it. Mr. Watkins stated they would coordinate the trip and would schedule it for when the Mayor returned.

The meeting adjourned at 11:24 p.m.

Respectfully submitted,

Sheela Amin
City Clerk